

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:05-00181

JERRY RAY MAYNARD

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 6, 2011, the United States of America appeared by R. Gregory McVey, Assistant United States Attorney, and the defendant, Jerry Ray Maynard, appeared in person and by his counsel, Christian M. Capece, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Steven M. Phillips, the defendant having commenced a three-year term of supervised release in this action on May 29, 2009, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on August 7, 2006.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that on or about July 6, 2009, the defendant committed the state offenses of

driving on a revoked driver's license for driving under the influence and no proof of insurance as evidenced by his guilty plea on February 4, 2010, in the Magistrate Court of Lincoln County, West Virginia; (2) that on or about February 11, 2010, the defendant committed the state offenses of driving on a suspended driver's license and no proof of insurance as evidenced by his guilty plea on February 24, 2010, in the Magistrate Court of Lincoln County, West Virginia; (3) that on or about November 23, 2010, the defendant committed the state offense of obstructing an officer as evidenced by his guilty plea on January 19, 2011, in the Magistrate Court of Logan County, West Virginia; (4) that on or about June 22, 2011, the defendant committed the state offense of driving on a suspended driver's license inasmuch as he was observed operating a truck in Harts, West Virginia, the defendant having admitted driving the vehicle that date at a time when his driver's license was suspended for driving under the influence; (5) that just two hours later on June 22, 2011, the defendant committed the state offense of second offense driving on a revoked license as evidenced by his guilty plea on June 29, 2011, in the Magistrate Court of Lincoln County; (6) that on or about June 15, 2011, and again on and July 2, 2011, the defendant committed the state offense of destruction of property as evidenced by his guilty pleas on August 31, 2011, in the Magistrate Court of Lincoln County; (7) that the defendant has failed to submit a monthly report since June 2010; and (8) that the defendant has failed to maintain steady employment since

commencing his term of supervised release; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

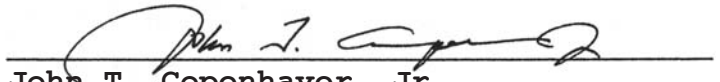
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY, to be followed by a term of two (2) years less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he refrain from the use of alcohol.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Harts, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 12, 2011


John T. Copenhaver, Jr.
United States District Judge